

REQUEST UNDER THE FREEDOM OF INFORMATION (SCOTLAND) ACT 2002 (FOISA)

Thank you for your request dated 28 June 2022 under the Freedom of Information (Scotland) Act 2002 (FOISA).

Your request

You asked for:

1. I would like to request the Baby Box tender documentation and associated communications please.
2. Would it be possible to get the communication, like the clarifying questions that were asked?
3. We have obtained the tender invitation and all the tender details, so that would not be needed.
4. Would it be possible to get a copy of the successful tender application?

Answer:

In response to points 1,2 and 4 I enclose a redacted copy of relevant correspondence in Annex B of this letter. However, while our aim is to provide information whenever possible, in this instance we are unable to provide some of the information you have requested because exemptions under section 38(1)(b) (personal information) of FOISA and section s.30(b)(i) Commercial Interests of FOISA applies to that information. The reasons why this exemption applies is explained in Annex A of this letter.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to Michael Chalmers, Director Children's & Families, Scottish Government, Victoria Quay, Edinburgh, EH6 6QQ and or DirectorforChildrenandFamilies@gov.scot. Your review request should explain why you are dissatisfied with this response, and should be made within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request.

If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at: <http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>.

REASONS FOR NOT PROVIDING INFORMATION

Annex A

An exemption applies

An exemption under section 38(1)(b) of FOISA applies to some of the information you have requested as follows:

This information relates to personal data relating to a third party and applied in the following cases:

- Scottish Government officials below the Senior Civil Service.
- Names of individuals who did not give permission for release.

It would not be the expectation of these individuals that their personal information would be released and disclosing it would contravene the data protection principles in Article 5(1) of the General Data Protection Regulation and in section 34(1) of the Data Protection Act 2018.

This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

An exemption applies

An exemption under section s.30(b)(i) Commercial Interests of FOISA applies to some of the information you have requested.

We appointed a Baby Box managing agent, APS Group (Scotland) who have responsibility for sourcing the boxes and all the contents, storage, picking, packing and distribution. The following redactions have been made as we consider disclosure of this information to be commercially sensitive.

A number of redactions have been made to the successful tender bid under section s.30(b)(i) Commercial Interests of FOISA.

The pricing schedule has also been redacted to remove pricing information under s.30(b) (i) Commercial interests of FOISA as this information relates to individual pricing and organisations engaged in delivery of the service.

Documents for Release

Annex B



Case 485358
Scotland's Baby Box 2 Pricing Schedule



Case 485358
Scotland's Baby Box 2 Supplier queries and response summary



Case 485358
Scotland's Baby Box 2 Invitation to tender



APS Marked Up for
Redaction 220721_Ca Successful Tender Bid



Case 485358
Scotland's Baby Box 2 ITT Model Services Contract for Services